

IN THE HIGH COURT OF KARNATAKA AT BANGAIORE

DATED THIS THE 30TH DAY OF JUNE 1998

PRESENT

THE HON'BLE THE CHIEF JUSTICE R.P.SETHI

AND

THE HON'BLE MR.JUSTICE K.R.PRASADA RAO

WRIT PETITION NO.15738/98 & No.15739/98.

BETWEEN :

1. Rachappa,  
s/ o.Madappa, aged about  
35 yrs, Occ.Watchman,  
Office of the Asst.Executive  
Engineer, No.1. KCD Sub-  
Division, T.Narasipur Taluk,  
Mysore Dist.
2. Lingappa,  
s/o.Marimallappa,  
aged about 34 yrs,  
Occ.Watchman, rest-do. .. PETITIONERS

(By Sri.Vighmeshwara.S.Shastri, Adv.)

AND :

1. The State of Karnataka,  
Rep.by its Secretary to  
Government, Irrigation Dept,  
M.S.Building, Bangalore-1.
2. The Engineering-Chief,  
Irrigation South,  
Palace Office Compound,  
Mysore-570 001.
3. The Executive Engineer,  
Public Works Department,  
T.Narasipura, Mysore Dist.
4. The Assistant Executive Engineer,  
No.KCD Sub.Division, T.Narasipura,  
Mysore Dist.
5. The Karnataka Administrative  
Tribunal, Indiranagar, Bangalore,  
by its Registrar. .. RESPONDENTS

(By Sri.U.Abdul Khadar, AGA)

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O R D E R

Rule.

2. The learned Government Advocate accepts notice.

3. With the consent of the learned counsel for the parties, the petitions are heard on merits and are being finally disposed of at this stage.

4. The petitioners ~~are~~ claiming to be the daily wagers approached the respondent-Tribunal for issuance of direction to the official respondents for release of their salary from 1.3.1996 with a further direction to continue paying them the salary regularly as and when it fell due. The applications of the petitioners were rejected by the Tribunal on the ground that as the petitioners were the daily wagers, the Tribunal did not have any jurisdiction to grant them relief under the Administrative Tribunal Act.

5. Learned counsel for the petitioners has drawn our attention to ~~the~~ the judgment of the Supreme Court in UNION OF INDIA AND OTHERS-Vs-DEEP CHAND PANDEY AND ANOTHER (AIR 1993 SC 382) to urge that Tribunal was not justified in rejecting the prayer of the petitioner on the ground of having no jurisdiction because the petitioners happened to be the daily wagers. No useful

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purpose would be served at this stage to set aside the order of the Tribunal and to remit the case back for fresh decision on merits.

6. The learned counsel for the petitioner has drawn our attention to Annexure 'D', a representation filed by the petitioners praying for issuance of appropriate directions regarding payment of salary. The aforesaid representation has admittedly not been decided so far.

7. Under the circumstances, the writ petition is allowed. Rule issued is made absolute with the direction to the respondent No.1 to consider and decide the representation of the petitioners in accordance with law within a period of one month from the date ~~of~~ copy of this order is served upon the said respondent. To avoid delay, petitioners are given further liberty to file a fresh representation if the earlier <sup>one</sup> is not traced.

✓  
Sd/-  
JUDGE

Sd/-  
JUDGE



mvs/